

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1704

AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-12-9 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

### **Chapter 9. Reporting of Blind or Visually Impaired Persons**

#### **Sec. 1. Each:**

(1) physician holding an unlimited license to practice medicine; or

(2) optometrist licensed under IC 25-24-1;

shall report in writing, on forms prescribed by the office of the secretary, not more than ten (10) days after diagnosis, to the office of the secretary, the name, age, and address of each person diagnosed by the physician or optometrist as being blind (as defined under 42 U.S.C. 416(i)) or having visual impairment of a degree to interfere with the person's functioning in school, employment, or other activities of daily living.

**Sec. 2.** The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

(1) For persons less than seventeen (17) years of age, to the following:

(A) The Indiana School for the Blind.

HEA 1704 — Concur+



C  
o  
p  
y

(B) The division of disability, aging, and rehabilitative services.

(C) The division of special education of the department of education.

(2) For persons at least seventeen (17) years of age, to the following:

(A) The division of disability, aging, and rehabilitative services.

(B) On request, organizations serving the blind and the state department of health.

Sec. 3. All reports filed under this chapter shall be kept confidential and used solely to determine the eligibility of the individuals for assistance or rehabilitation.

Sec. 4. (a) On receiving a report under this chapter, the division of disability, aging, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind:

(1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and

(2) shall notify the division of disability, aging, and rehabilitative services and the department of education of the school's findings.

Sec. 5. This chapter does not prohibit a physician or an optometrist from making a referral to a local school corporation, an agency, the Indiana School for the Blind, or an agency or organization working with the blind or visually impaired.

Sec. 6. The office of the secretary shall prepare and provide educational materials for:

(1) licensed optometrists;

(2) licensed physicians;

(3) the Indiana University School of Medicine; and

(4) the Indiana University School of Optometry;

to inform individuals and schools of the reporting requirements and services available for an individual who is blind or visually impaired.

Sec. 7. A person required to make a report of blindness under this chapter who fails to do so commits a Class C infraction.

SECTION 2. IC 16-18-2-264 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 264. (a) "Operator", for purposes of IC 16-41-31, has the meaning set forth in IC 16-41-31-4.



C  
o  
p  
y

~~(b) "Operator", for purposes of IC 16-42-7, has the meaning set forth in IC 16-42-7-1.~~

SECTION 3. IC 16-19-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. **(a)** The state department may make sanitary inspections and surveys throughout Indiana and of all public buildings and institutions.

**(b) The state department may make indoor air quality inspections of all public buildings and institutions that are occupied by an agency of state or local government.**

**(c)** After due notice is given, the state department may enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and the possible cause and source of diseases.

SECTION 4. IC 16-19-5-1, AS AMENDED BY P.L.80-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) In addition to other fees provided by this title, the state department may establish and collect reasonable fees for specific services described under subsection (b) provided by the state department. The fees may not exceed the cost of services provided.

(b) Fees may be charged for the following services:

(1) Plan reviews conducted under rules adopted under IC 16-19-3-4(b)(13).

~~(2) Licensing or inspection of facilities under IC 16-42-7.~~

~~(3)~~ **(2)** Licensing of agricultural labor camps under IC 16-41-26.

~~(4)~~ **(3)** Services provided to persons other than governmental entities under rules adopted under IC 16-19-3-5.

~~(5)~~ **(4)** Services provided by the state health laboratory under IC 16-19-8.

~~(6)~~ **(5)** Services provided under IC 16-19-11-3.

~~(7)~~ **(6)** Services provided under IC 24-6 by the state metrology laboratory.

SECTION 5. IC 16-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **(a) Except as provided in subsection (b), each:**

(1) physician;

(2) superintendent of a hospital;

(3) director of a local health department;

(4) director of a county office of family and children;

(5) director of the division of disability, aging, and rehabilitative services;

(6) superintendent of a state institution serving the handicapped;

or



C  
o  
p  
y

(7) superintendent of a school corporation;  
 who diagnoses, treats, provides, or cares for a person with a disability  
 shall report the disabling condition to the state department within sixty  
 (60) days.

**(b) Each:**

**(1) physician holding an unlimited license to practice  
 medicine; or**

**(2) optometrist licensed under IC 25-24-1;**

**shall file a report regarding a blind or visually impaired person  
 with the office of the secretary of family and social services in  
 accordance with IC 12-12-9.**

SECTION 6. IC 16-41-35-29 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) The state  
 department shall adopt rules under IC 4-22-2 to regulate who may  
 operate a radiation machine and what level of training and experience  
 the operator must have. Rules adopted by the state department must  
 exempt from testing to establish initial qualifications an individual  
 who:

**(1) holds a valid certificate issued by; and**

**(2) is currently registered with;**

the American Registry of Radiologic Technologists.

**(b) The state department may by rule exempt an individual who:**

**(1) is currently licensed in another state as a radiologic  
 technologist; or**

**(2) performs the function of a radiologic technologist in  
 another state that does not require the licensure of a  
 radiologic technologist;**

**from testing to establish initial qualifications.**

**(c)** The state department shall issue a license to an individual  
 meeting the requirements of the rules adopted under subsection (a) for  
 a radiologic technologist upon the payment to the state department of  
 a thirty dollar (\$30) fee and the cost of testing to establish initial  
 qualifications. The license is valid for twenty-four (24) months. The  
 state department shall establish a fee for the renewal or duplication of  
 a license issued under this section not to exceed thirty dollars (\$30).

**(d)** Every owner of a radiation machine, including an industrial  
 radiation machine, shall have the machine inspected in accordance with  
 procedures and standards established by the state department. The state  
 department shall adopt rules under IC 4-22-2 establishing the  
 procedures and standards applicable to inspections of radiation  
 machines.

SECTION 7. IC 16-42-5-24, AS AMENDED BY P.L.266-2001,



SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) For the purpose of enforcing IC 16-41-20, IC 16-41-21, IC 16-41-23, IC 16-41-24, IC 16-41-34, **or** IC 16-42-5, ~~or IC 16-42-7~~, the local health officers are food environmental health specialists subordinate to the state department.

(b) The state department shall provide to the local health officers who are food environmental health specialists guidelines concerning the interpretation of the state department's rules concerning food handling and food establishments so that enforcement of the state laws and rules is uniform throughout the state.

SECTION 8. IC 16-42-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. If, upon inspection of a food establishment, a local health officer or food environmental health specialist finds an employer, operator, or other employee to be violating IC 16-41-20, IC 16-41-21, IC 16-41-23, IC 16-41-24, IC 16-41-34, **or** IC 16-42-5, ~~or IC 16-42-7~~, the local health officer or food environmental health specialist shall do at least one (1) of the following:

- (1) Furnish evidence of the violation to the prosecuting attorney of the county or circuit in which the violation occurs. The prosecuting attorney shall prosecute all persons violating IC 16-41-20, IC 16-41-21, IC 16-41-23, IC 16-41-24, IC 16-41-34, **or** IC 16-42-5, ~~or IC 16-42-7~~, or rules adopted under those provisions.
- (2) Report the condition and violation to the state health commissioner or the commissioner's legally authorized agent. The state health commissioner may issue an order to the person in authority at the offending establishment to abate the condition or violation within five (5) days or within another reasonable time required to abate the condition or violation. The proceedings to abate must be in accordance with IC 4-21.5.

SECTION 9. IC 16-42-5.2-3, AS ADDED BY P.L.266-2001, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. This chapter does not apply to the following:

- (1) Hospitals licensed under IC 16-21.
- (2) Health facilities licensed under IC 16-28.
- (3) Housing with services establishments that are required to file disclosure statements under IC 12-15.
- (4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.
- (5) Community mental health centers (as defined in IC 12-7-2-38).**



C  
o  
p  
y

**(6) Private mental health institutions licensed under IC 12-25.**

SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 16-40-2; IC 16-41-21-7; IC 16-41-21-16; IC 16-41-21-17; IC 16-42-7; IC 24-6-4; IC 24-6-5-1; IC 24-6-5-2; IC 24-6-5-3; IC 24-6-5-4; IC 24-6-5-5; IC 24-6-5-6; IC 24-6-5-7; IC 24-6-5-8; IC 24-6-5-9; IC 24-6-5-10; IC 24-6-5-14.

C  
o  
p  
y

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

Approved: \_\_\_\_\_

\_\_\_\_\_  
Governor of the State of Indiana

C  
o  
p  
y

**HEA 1704 — Concur+**

